

FIFTY-FIRST DAY

(Continued)

Tuesday, April 25, 1967

After Recess

The Senate met at 11:30 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Cole was granted leave of absence for today on account of important business on motion of Senator Brooks.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 36, A bill to be entitled "An Act relating to interpreters for the deaf and deaf-mute persons in civil and criminal proceedings; amending Article 38.31, Code of Criminal Procedure, 1965; and declaring an emergency."

H. B. No. 171, A bill to be entitled "An Act relating to the duties to be performed by the Texas Water Development Board; amending Section 1, Chapter 37, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 7537a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act relating to the inspection and testing of citrus fruit transported into Texas for marketing and sale; amending Subsection (b), Section 4, Chapter 88, Acts of the 40th Legislature, 1st Called Session, 1927, as added (Article 719a, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act establishing the Public Employees Retirement System of Texas, pursuant of Subsection (c) of Article XVI of the Constitution of Texas, to provide certain retirement, disability and death benefits for officers and employees of counties or other political subdivisions of the State, and of political subdivisions of counties; authorizing any such subdivision

(with stated exclusions) and its employees, as herein defined, to participate in such System upon determination made by the governing body of the subdivision; providing for the management and operation of the System, and for defraying the costs thereof; etc., and declaring an emergency."

H. B. No. 563, A bill to be entitled "An Act relating to eligibility of community mental health and mental retardation centers to receive state grants-in-aid; amending Section 4.02, Texas Mental Health and Mental Retardation Act (Article 5547-204, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act relating to the qualifications of the Veterans' County Service Officer and of the Assistant Veterans' County Service Officer and of the salaries of the Executive Director and Assistant Directors of the Veterans' Affairs Commission; amending Subsection (b), Section 1 and Subsections (f) and (g), Section 3 of Article 5787, Revised Civil Statutes of Texas, 1925, as amended and revised; and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act validating Refugio County Navigation District and all proceedings had by the Commissioners Court of Refugio County in the creation, establishment, and organization of said district; and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 84, to Committee on Counties, Cities and Towns.

H. B. No. 553, to Committee on Jurisprudence.

H. B. No. 801, to Committee on Water and Conservation.

H. B. No. 1087, to Committee on State Affairs.

H. B. No. 776, to Committee on Counties, Cities and Towns.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 397, A bill to be entitled "An Act amending Article 6699, Revised Civil Statutes of Texas, 1925, as amended, to provide for the authorization of the employment by counties of not more than five regular deputies, nor more than two additional deputies for special emergency aid to said regular deputies for county highway patrol work; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act relating to the salary and supplemental compensation of the district attorney of the 109th Judicial District; amending Chapter 212, Acts of the 53rd Legislature, Regular Session, 1953 (Article 326k-24, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 617, A bill to be entitled "An Act increasing commercial fisherman's license fees and dedicating a portion of the fees to programs for the market promotion of seafoods; amending Subsection 1, Section 3, Chapter 29, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 934a, Vernon's Texas Penal Code); amending Section 2, Chapter 68, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 934b-2, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act relating to sale of fish taken from Hubbard Creek Lake in Shackelford and Stephens Counties; prescribing a penalty; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act providing that trespass by parking a vehicle on private property without permission of the owner or person entitled to possession is a misdemeanor; providing that the trespasser is liable in damages to the property owner or person entitled to possession and that such person may

hold the vehicle until the damages are paid; and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act authorizing independent school districts of more than 150 scholastics to adopt an alternate method of selecting a school depository or depositories by the adoption of an Act known as The School Depository Act of 1967, and said Act containing definitions, qualifications of school depository, term of depository contract, notice for bid request and uniform bid blank, tie bid procedure, highest and best bids and right to reject bids, providing for depository contract and bond or securities in lieu thereof, investment rights, performing services as treasurer, providing this Act shall be an alternate method of selecting a school depository, providing that other statutes pertaining to selecting a school depository shall not apply, providing a district may discontinue the selection of its depository as this Act provides, providing a saving clause, and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act amending Acts 1963, 58th Leg., Chapter 504, p. 1318, known as Article 1.26, Texas Insurance Code; defining credit guaranty insurance; to provide for the maintenance of reserves; providing for use of the contingency reserve; and declaring an emergency."

H. C. R. No. 106, In memory of Dr. Konrad Adenauer.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 465 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up S. B. No. 465 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up S. B. No. 465 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Aikin

Bates

Bernal	Kennard
Blanchard	Parkhouse
Christie	Ratliff
Grover	Reagan
Harrington	Schwartz
Hazlewood	Wade
Hightower	Watson
Jordan	Wilson

Nays—6

Hardeman	Patman
Herring	Strong
Mauzy	Word

Absent

Berry	Creighton
Brooks	Hall
Connally	Moore

Absent—Excused

Cole

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 465, A bill to be entitled "An Act creating the Texas Dairy Commission and prescribing its organization, powers, and duties with respect to regulation of the milk industry; and declaring an emergency."

The bill was read second time.

Senator Strong offered the following amendment to the bill:

Amend Section 8, Subsection (d) of S. B. No. 465 by striking from the caption of such subsection the words "Dairy Farmer"; and striking the period at the end of said subsection, substituting a comma in lieu thereof, and adding thereto the following:

"and provided further that in the event the referendum or referendums provided above shall pass, the proposed change shall not become effective until a similar referendum has been taken and passed by two-thirds votes of the processors, retailers and consumers in each of such area."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—6

Creighton	Patman
Hardeman	Strong
Mauzy	Word

Nays—23

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Moore
Blanchard	Parkhouse
Brooks	Ratliff
Christie	Reagan
Connally	Schwartz
Grover	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	

Absent

Hall

Absent—Excused

Cole

The bill was then passed to engrossment.

Record of Votes

Senators Hardeman, Patman, Christie, Creighton, Mauzy and Word asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Motion to Place
Senate Bill 465 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 465 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Moore
Blanchard	Parkhouse
Brooks	Ratliff
Christie	Reagan
Connally	Schwartz
Grover	Wade
Harrington	Watson
Hazlewood	Wilson

Nays—7

Creighton	Patman
Hardeman	Strong
Herring	Word
Mauzy	

Absent

Hall

Absent—Excused

Cole

Senate Resolution 470

Senator Word by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 61 members of the Brownwood A Cappella Choir, accompanied by their sponsor, Miss Dorothy McIntosh, and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

The President requested Senator Word to escort the Choir to the Bar of the Senate.

The Choir rendered two selections for the pleasure of the Senate.

Senator Word expressed the appreciation of the Senate to the members of the Choir and to Miss Dorothy McIntosh, the Director.

Senate Bill 272 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 272, A bill to be entitled "An Act relating to appointment

of temporary justices of the peace; amending Article 2399, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Blanchard offered the following amendment to the bill:

S. B. No. 272 is hereby amended by adding a new section to read as follows, and the present Section 2 is hereby re-numbered Section 3.":

"Section 2. If any provision of this Act or the application thereof to any person, political subdivision or circumstance is held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 272 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 272 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word
Hightower	

Absent

Hall

Absent—Excused

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word
Hightower	

Absent

Hall

Absent—Excused

Cole

Reports of Standing Committees

Senator Reagan by unanimous consent submitted the following reports:

Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No. 749, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Bank-

No. 452, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Senator Watson by unanimous consent submitted the following reports:

Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 614, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 424, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.

Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 426, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Senator Word by unanimous consent submitted the following report:

Austin, Texas,
April 24, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred H. B. No. 1038, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WORD, Chairman.

**Motion Not to Print
House Bill 452**

Senator Reagan asked unanimous consent that H. B. No. 452 be not printed.

There was objection.

House Bill 452 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent H. B. No. 452 was ordered not printed, but that mimeographed copies be placed on the Members' desks.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 824, A bill to be entitled "An Act establishing a temporary minimum size limit on redfish in the State of Texas; providing a penalty for violations; and declaring an emergency."

H. C. R. No. 102, Expressing appreciation to Second Driver E. D. Everitt of the Dallas Fire Department for the selfless devotion to duty and his bravery that resulted in his receiving the Medal of Valor.

H. B. No. 1183, A bill to be entitled "An Act relating to procedures to be used by blind and deaf individuals in obtaining exemptions from the payment of tuition at state-supported institutions of collegiate rank; amending Chapter 386, Acts of the 59th Texas Legislature, Regular Session, 1965 (Article 2654f-2, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to purchase or receive by gift certain land in Cal-

houn County; providing for the creation of a state park and for its development, operation, and maintenance; and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to convey a 6" water main and a 6" sanitary sewer main to the City of Kerrville; providing for consideration for such conveyance; and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act amending Section 1, Chapter 59, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 2922a, Vernon's Texas Civil Statutes), as amended; relating to rural high schools and the scholastic population for annexation; and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act amending Section 3, Chapter 474, Acts of the 52nd Legislature, 1951 (codified as Article 2543c, Vernon's Texas Civil Statutes), and Section 2, Chapter 221, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (codified as Article 2654d, Vernon's Texas Civil Statutes), requiring the governing boards of State institutions of higher education to deposit certain institutional receipts in the State Treasury within seven (7) days of collection; and declaring it an emergency."

H. B. No. 837, A bill to be entitled "An Act relating to use of the jury wheel in certain counties; amending Subsection (e), Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act closing the season on wild turkey in Upshur and Wood counties; prescribing a penalty; and declaring an emergency."

H. B. No. 1013, A bill to be entitled "An Act relating to creation of a public defender office in Tarrant County; defining a needy person's entitlement to representation by the public defender and the nature of the representation; providing for personnel, financing, and administration of the public defender office; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 33.

The House has appointed the following Conference Committee: Fondren, McDonald, Shannon, Joe Nugent of Kerr, Floyd, Paul.

S. C. R. No. 39, Ratifying the proposed amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 94 Re-referred

On motion of Senator Brooks and by unanimous consent S. B. No. 94 was withdrawn from the Committee on State Affairs and was re-referred to the Committee on Education.

House Bill 42 Re-referred

On motion of Senator Word and by unanimous consent H. B. No. 42 was withdrawn from the Committee on State Affairs and was re-referred to the Committee on Counties, Cities and Towns.

Senate Bill 145 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up S. B. No. 145 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up S. B. No. 145 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hall
Berry	Hardeman
Blanchard	Harrington
Brooks	Herring
Christie	Hightower
Connally	Jordan
Creighton	Moore
Grover	Parkhouse

Ratliff
Reagan
Schwartz
Strong

Wade
Watson
Wilson
Word

Nays—6

Bates
Bernal
Hazlewood

Kennard
Mauzy
Patman

Absent—Excused

Cole

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 145, A bill to be entitled "An Act to amend the following Articles of the Code of Criminal Procedure, 1965, as amended, namely, Art. 1.14, relating to waiver of rights; Art. 1.15, relating to juries in felony cases; Art. 2.07, relating to attorneys pro tem.; Art. 2.12, defining peace officers; Art. 2.24, relating to identification of witnesses; Art. 14.03, relating to arrests without warrants; Art. 14.06, etc., and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. 145, Section 34, by striking out all of sub-paragraph (g) thereof, and substituting in lieu the following:

"(g) If trial is without a jury. (1) If the trial is before the Court without a jury and if, after commencement of a trial on the merits and before the return of a verdict, there arises in the mind of the Court from any cause, a reasonable doubt as to the present sanity of the defendant, the Court shall suspend the proceedings and shall without unnecessary delay impanel a jury to determine the issue of the present sanity of the defendant.

"(2) In such event, the trial before the jury on that issue shall proceed under the same procedure, and the jury shall have the same duties and responsibilities with respect to the hearing on the question of present insanity and on the question of hospitalization and related questions, as are set forth in the other portions of this Article where the question is raised in a jury trial.

"(3) If the jury so impanelled shall determine that the defendant is sane at present, then in such event the Court shall resume without unnecessary delay, the trial on the merits at the point where the proceedings were suspended. If the jury so impanelled shall determine that the defendant is not sane at present, then in such event the Court shall declare a mistrial of the trial on the merits and shall enter such orders with respect to commitment and other matters as are authorized in accordance with the other portions of this Article, and as may be appropriate under the jury findings, the facts and the law.

"(4) If the jury so impanelled is unable to agree upon a unanimous verdict after a reasonable opportunity to deliberate, the Court shall declare a mistrial of the competency trial, discharge the jury so impanelled and impanel another jury to determine the present mental competency of the defendant."

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. 145, Section 6, by inserting the word "and" between the comma after the word "laws" and before the word "there" and by changing the word "no" to "not" after the word "is".

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. 145, Section 12, by inserting the words "or his attorney" between the words "defendant" and "as" in the third sentence; and by inserting the words "or his attorney" between the words "defendant" and "of" in the last sentence in said Section.

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145 by adding a new section to be numbered Section 14A to read as follows:

"Section 14A. That Art. 21.15 of the Code of Criminal Procedure be and the same is hereby amended by adding thereto the following:

'Provided, further, that in charging any such offense or any other offense of the grade of a misdemeanor not more than one offense may be charged or alleged in the same complaint, information, or indictment.'

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Record of Votes

Senators Patman and Hazlewood asked to be recorded as voting "Nay" on the passage of the above Committee Amendment.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145 by adding a new section thereto to be known as "Section 14b" to read as follows:

"Section 14b. That Art. 20.03 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

'Art. 20.03. Attorney representing State entitled to appear

"The attorney representing the State" means the Attorney General, District Attorney, Criminal District Attorney, County Attorney or Attorney pro Tem. The attorney representing the State, is entitled to go before the grand jury and inform them of offenses liable to indictment at any time except when they are discussing the propriety of finding an indictment or voting upon the same.'

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the fol-

lowing Committee Amendment to the bill:

Amend S. B. No. 145, Section 15, by striking out the phrase "as early as possible" at the end of said Section and inserting in lieu thereof the words "prior to trial, unless expressly waived, in writing, by the defendant or his counsel," after the word "given".

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145, Section 16, by striking out the words "punishable by imprisonment" of said Section.

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145, Section 18, by striking the period at the end of the first sentence thereof, and adding the words "or any party."

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145, Section 21, by striking the word "prosecuting" in the first sentence thereof, and adding the words "representing the State" following the word "attorney".

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend S. B. No. 145 by adding a

new section to be known as "Section 34a" to read as follows:

"Section 34a. That Art. 51.13, Section 14, of the Code of Criminal Procedure be and the same is hereby amended by striking the words 'with all practicable speed' following the word 'magistrate', and inserting in lieu thereof the words 'without unnecessary delay'."

HARDEMAN
BATES
JORDAN

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 145, Section 4, by striking out all of the provisions thereof, beginning with the word "The" and ending with the word "process", and substituting in lieu thereof the following:

"The following are peace officers: The sheriff and his deputies, constables and deputy constables, marshal or police officers of an incorporated city, town or village, Rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety, investigators of the district attorneys', criminal district attorneys' and county attorneys' offices, law enforcement agents of the Texas Liquor Control Board, and any private persons specially appointed to execute criminal process."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill 145 by adding to Section 23, (2) a new paragraph to be numbered (c) and to read as follows:

"(c) In all capital cases where the State seeks the death penalty the court shall instruct the jury on the guilt or innocence of the offense or offenses charged and instruct the jury on the punishment provided by law for each offense submitted, and the jury shall find that the defendant is guilty or not guilty and shall assess the punishment as provided in such cases."

The amendment was read and was adopted.

Question—Shall S. B. No. 145, as amended, be passed to engrossment?

Recess

On motion of Senator Aikin the Senate at 11:58 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 162, A bill to be entitled "An Act providing for the protection, safety and welfare of students and employees of the respective governing boards and for the protection and policing of the buildings and grounds of the State institutions of higher education of this State; etc., and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act providing for the establishment of forestry or parks-maintenance camps by the Texas Youth Council to provide for improved classification and segregation of juvenile offenders and to relieve crowded conditions in existing institutions; providing for the cooperation of the Texas Parks and Wildlife Commission and other appropriate State departments and agencies in the location, establishment and operation of said camps; providing for their administration and operation; providing for appropriate work assignments for boys housed in such camps; providing for payment of wages for such work; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 106 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

H. C. R. No. 106, Memorial resolution for Dr. Konrad Adenauer.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately.

On motion of Senator Grover and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was then adopted by a rising vote of the Senate.

Senate Resolution 475

Senator Brooks offered the following resolution:

Whereas, Too often the headlines record events showing the private citizen as unfeeling and unhelpful when he observes a fellow citizen or, particularly, a police officer in need of assistance, but a recent incident in Pasadena, Texas, created the opposite story of man's humanity to man; and

Whereas, Officer Floyd Montgomery of Pasadena found himself at a disadvantage during an attempt to arrest a suspect, who caught the policeman off guard and managed to pin him to the ground; and

Whereas, At this moment, Edmund F. Bender, also of Pasadena, happened on the scene, immediately came to the aid of the officer, suffering some bruises in the scuffle which followed, but helped Officer Montgomery get the upper hand and make the arrest; and

Whereas, On Monday, April 17, 1967, the Deepwater Optimist Club honored Mr. Bender for his heroism and, in a special ceremony, gave him the "Respect for the Law" citation; and

Whereas, The father of two children, Mr. Bender, nevertheless, forgot his own safety in carrying out his obligations of citizenship; and

Whereas, The unselfish act and heroism of Edmund F. Bender deserves recognition by the Senate of the 60th Legislature; now, therefore, be it

Resolved, That the Senate of Texas, by this Resolution, commend Edmund F. Bender for his act of bravery and good citizenship displayed in the assistance he gave Officer Floyd Montgomery; and, be it further

Resolved, That a copy of this resolution, under the Seal of the Senate, be sent to Edmund F. Bender in recognition of his courage and as an expression of appreciation from the Senate and all the people of Texas for his unselfish deed.

BROOKS

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 219, to Committee on Jurisprudence.

H. B. No. 347, to Committee on Insurance.

H. B. No. 617, to Committee on Game and Fish.

H. B. No. 730, to Committee on Game and Fish.

H. B. No. 766, to Committee on Public Health.

H. B. No. 771, to Committee on Jurisprudence.

H. B. No. 1034, to Committee on Game and Fish.

H. B. No. 25, to Committee on State Affairs.

Message From the House

Hall of the House of Representatives

Austin, Texas,

April 25, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 286, A bill to be entitled "An Act amending Section 1, of Ch. 52, Acts of the Regular Session of the Fifty-fourth Legislature, 1954, to provide that after consolidation of an independent school district with one or more independent school districts and/or one or more common school district and/or one or more rural high school districts and/or any other type of school district, where one of the independent school districts has a scholastic enrollment in excess of five (5) times the combined scholastic enrollment of the other districts consolidated with it, the members of the Board of Trustees of the larger district shall serve as the Board of Trustees of the combined district until their respective terms expire and their successors are elected; repealing all laws and parts of laws in conflict herewith to the extent of the conflict; providing said Act shall be cumulative of other existing laws relative to the consolidation of independent school districts; and declaring an emergency."

(With Amendment.)

S. B. No. 272, A bill to be entitled "An Act relating to appointment of temporary justices of the peace; amending Article 2399, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 81, A bill to be entitled "An Act authorizing all Independent School Districts to pay any or all of

the premiums on certain group insurance policies insuring employees of the district; amending Subsection (b) of Section 1, Article 3.51; Texas Insurance Code, as amended; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act amending Article 7590, Revised Civil Statutes of Texas, 1925, to provide that appeals from decisions of the Texas Water Rights Commission concerning applications for permits to divert water from one watershed to another conform to the appeal provisions contained in Section 12, Article 7477, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act repealing Articles 7546 and 7553, Revised Civil Statutes of Texas, 1925, relating to the power of a Texas corporation to sell permanent water rights and to lease or rent water; repealing Article 7552, Revised Civil Statutes of Texas, 1925, relating to chartering a corporation for the purpose of constructing, operating, and maintaining improvements for storing and delivering water; and declaring an emergency."

H. B. No. 167, A bill to be entitled "An Act relating to abandonment of an action filed for review of a ruling, order, act, or failure to act by the Texas Water Rights Commission, amending Subsection (a) of Section 12, Article 7477, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act authorizing any city having a population of 900,000 or more according to the preceding Federal Census, and whose Home Rule Charter provides for an elected comptroller, auditor, or treasurer, acting by and through the official or officials of such city charged with the duty of managing and conducting its fiscal affairs and subject to supervision and control of its governing body, etc., and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to authorize all independent school districts in any county to provide for workmen's compensation insurance; amending Section 1, Chapter 493, Acts of the 59th Legislature, Regular Session 1965 (Article

8309e-1, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 174, A bill to be entitled "An Act amending Article 7467, Revised Civil Statutes of Texas, 1925, by deleting provisions relating to the prior right of appropriation of the owner of land through which water flows when water is appropriated for mining purposes; and declaring an emergency."

H. B. No. 176, A bill to be entitled "An Act repealing Articles 7496, as amended, 7497, 7498, 7499, Revised Civil Statutes of Texas, 1925; and Section 3, Chapter 136, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7499a, Vernon's Texas Civil Statutes), relating to presentations to the Texas Water Rights Commission; and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as last amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Haskell County to the list of counties regulated; and declaring an emergency."

H. B. No. 547, A bill to be entitled "An Act amending Section 18 of Acts 1965, 59th Legislature, Chapter 620 (codified as Article 8280-332, V.A.C.S.) to provide for the sale of bonds by Bender Road Improvement District, etc., and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act to amend Section 18a, Article 8308, Revised Civil Statutes of Texas, 1925, so as to permit local recording agent to sign certain notices of renewal of existing insurance policies required to be filed with Industrial Accident Board; and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act relating to archery hunting in Lamar County; amending Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended, to remove Lamar County from the list of counties in which Articles 879h-1 through 879-5, Penal Code of Texas, 1925, are inapplicable; and declaring an emergency."

Senate Bill 574 on First Reading

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Word:

S. B. No. 574, A bill to be entitled "An Act relating to the creation, financing, administration, and operation of the Copperas Cove Hospital District; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 145 on Second Reading

The Senate resumed the consideration of the pending business (same being S. B. No. 145, as amended, on its second reading and passage to engrossment).

Question—Shall S. B. No. 145, as amended, be passed to engrossment?

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 145 by adding a new section to be known as "Section 23a" to read as follows:

"Section 23a. That Art. 38.22 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

'Art. 38.22 Confessions

'(a) Generally the confession of a defendant may be admitted in evidence against him under the same conditions as govern the admissibility of confessions under the United States Constitution as interpreted by the United States Supreme Court.

'(b) In the courts of the State of Texas, evidence including, but not limited to, statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a magistrate.

'(c) If a person in the custody of a peace officer makes a confession or other statement during any pretrial questioning by an officer, such confession or other statement shall be admissible only if:

'(1) Immediately prior to any questioning of such person he is advised that he has a right to remain silent, that any statement he does make

may be used as evidence against him, and that he has a right to the assistance of an attorney (either retained by or appointed for him) prior to and during such questioning; and

'(2) In the case of such person who makes a valid waiver of his right to have the assistance of an attorney during questioning, the aggregate period of such questioning, exclusive of interruptions, shall not exceed six hours.

'a. During the absence of an attorney, and

'b. Prior to the time such person is taken before a magistrate.'

"(d) Nothing in the Article shall be construed to limit, alter or change the admissibility of res gestae statements made by the defendant."

The amendment was read.

Pending discussion by Senator Hardeman of the pending amendment, Senator Word occupied the Chair.

Senator Christie offered the following substitute for the pending amendment by Senator Hardeman:

Amend Senate Bill No. 145, Sec. 24. That Article 38.22 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

"Art. 38.22 Confession

"(a) Generally the confession of a defendant may be admitted in evidence against him under the same conditions as govern the admissibility of confessions under the United States Constitution as interpreted by the United States Supreme Court.

"(b) In the courts of the State of Texas, evidence including but not limited to, statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a magistrate.

"(c) If a person in the custody of a peace officer makes a confession or other statement during any pretrial questioning by an officer, such confession or other statement shall be admissible only if:

"(1) Immediately prior to any questioning of such person he is advised that he has a right to remain silent, (2) that any statement he does make may be used as evidence against him,

and (3) that he has a right to the assistance of an attorney (either retained by or appointed for him) prior to and during such questioning.

"(d) Nothing in the Article shall be construed to limit, alter or change the admissibility of res gestae statements made by the defendant."

The amendment was read.

Senator Hardeman, by unanimous consent, withdrew the pending amendment.

(President in the Chair.)

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 145 by adding a new section to be known as "Section 23a" to read as follows:

"Section 23a. That Art. 38.22 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

'Art. 38.22 Confessions; Admissibility

'The confession of a defendant may be admitted in evidence against him under the same conditions as govern the admissibility of confessions under the United States Constitution and the Federal Rules of Criminal Procedure as interpreted by the United States Supreme Court.'

Nothing in this Article shall be construed to limit, alter or change the admissibility of res gestae statements made by the defendant."

The amendment was read.

Senator Christie offered the following substitute for the pending amendment by Senator Hardeman:

Amend Senate Bill No. 145, Sec. 24. That Article 38.22 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

"Art. 38.22 Confession

"(a) Generally the confession of a defendant may be admitted in evidence against him under the same conditions as govern the admissibility of confessions under the United States Constitution as interpreted by the United States Supreme Court.

"(b) In the courts of the State of Texas, evidence including but not limited to, statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a magistrate.

"(c) If a person in the custody of a peace officer makes a confession or other statement during any pre-trial questioning by an officer, such confession or other statement shall be admissible only if:

(1) Immediately prior to any questioning of such person he is advised that he has a right to remain silent, (2) that any statement he does make may be used as evidence against him, and (3) that he has a right to the assistance of an attorney (either retained by or appointed for him) prior to and during such questioning.

"(d) Nothing in the Article shall be construed to limit, alter or change the admissibility of res gestae statements made by the defendant.

The amendment was read.

Senator Hardeman moved to table the substitute amendment.

Question on the motion to table the substitute amendment, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—11

Bates	Kennard
Bernal	Mauzy
Berry	Schwartz
Blanchard	Strong
Hardeman	Watson
Jordan	

Nays—19

Aikin	Hightower
Brooks	Moore
Christie	Parkhouse
Connally	Patman
Creighton	Ratliff
Grover	Reagan
Hall	Wade
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Cole

Question recurring on the adoption of the substitute amendment by Senator Christie for the pending amendment by Senator Hardeman, "Yeas" and "Nays" were demanded.

The motion to adopt the substitute amendment prevailed by the following vote:

Yeas—16

Aikin	Herring
Bernal	Hightower
Brooks	Moore
Christie	Parkhouse
Connally	Patman
Creighton	Ratliff
Harrington	Wade
Hazlewood	Word

Nays—13

Bates	Mauzy
Berry	Reagan
Blanchard	Schwartz
Grover	Strong
Hardeman	Watson
Jordan	Wilson
Kennard	

Absent

Hall

Absent—Excused

Cole

The amendment as substituted was then adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill No. 145 by adding the number "15" after the words "Sections 10," in the first sentence of Sec. 30 and by adding a new paragraph after the eighth paragraph of Sec. 30, to read as follows:

"Sec. 15. 'The Board is hereby authorized to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State, except persons under sentence of death, who has served one-third ($\frac{1}{3}$) of the maximum sentence imposed, providing that in any case he may be paroled after serving twenty (20) calendar years. Time served on the sentence imposed shall be the total calendar time served. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.'"

The amendment was read and was adopted.

Record of Votes

Senators Creighton, Brooks and Jordan asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill No. 145, Section 28, by inserting after the word "paragraphs" the numeral "1", and by inserting said paragraph 1 preceding paragraph 5, to read as follows:

"1. Record in appeals to the Court of Criminal Appeals

"In all cases appealable by law to the Court of Criminal Appeals, the clerk of the court that entered the conviction sought to be appealed from shall, under his hand and seal of the court, make and prepare an appellate record comprising a true copy of the matter designated by the parties, but shall always include, whether designated or not, copies of the material pleadings, material docket entries made by the court, the charge, verdict, judgment, sentence, notice of appeal, any appeal bond, all written motions and pleas and orders of the court, and bills of exception. The matter so prepared shall be assembled and shall constitute the record on appeal. The pages of this record shall be numbered consecutively and there shall be an index prepared by the clerk showing the location of each document in the record. The record shall be made in duplicate and one copy shall be retained by the clerk for use by the parties with permission of the court."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill No. 145 by adding before the number "5" in the first sentence of Sec. 28, the number "4", and by adding a new paragraph after the words, "Art. 40.09 The record on appeal" in Sec. 28 to read as follows:

"4. Effect of transcription of reporter's notes.

"At the request of either party, the

court reporter shall take shorthand notes of all trial proceedings, including objections to the court's charge, final arguments and only that part of the voir dire examination objected to by either party, reflecting all the questions, answers, objections and rulings of the court touching such objections, unless the Court orders the reporter to take shorthand notes on all the voir dire examination of prospective jurors. He is not entitled to any fee in addition to his salary for taking these notes. A transcription of the reporter's notes when certified to by him and included in the record shall establish the occurrence and existence of all testimony, argument, motions, pleas, objections, exceptions, court actions, refusals of the court to act and other events thereby shown and no further proof of the occurrence or existence of same shall be necessary on appeal; provided, however, that the court shall have power, after hearing, to enter and make part of the record any finding or adjudication which the court may deem essential to make any such transcription speak the truth in any particular in which the court finds it does not speak the truth and any such finding of adjudication having support in the evidence shall be final."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 145 by striking out all of Section 19 and inserting in lieu the following:

"Sec. 19. That Article 28.01 of the Code of Criminal Procedure be and the same is hereby amended to read as follows:

'Art. 28.01 Pre-trial

'Sec. 1. The court may set any criminal case for a pre-trial hearing before it is set for a trial upon its merits, and direct the defendant and his attorney, if any of record, and the prosecuting attorney, to appear before the court at the time and place stated in the court's order for a conference and hearing. The defendant must be present at the arraignment, and his presence is required during any pre-trial proceeding, unless the defendant shall have in writing, ex-

pressly waived his appearance at the pre-trial proceeding, and granted his attorney, the authority to appear for him at such pre-trial proceeding to determine any of the following matters, except arraignment. The pre-trial hearing shall be to determine the following matters:

'(1) Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;

'(2) Pleadings of the defendant;

'(3) Special pleas, if any;

'(4) Exceptions to the form or substance of the indictment or information;

'(5) Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;

'(6) Motions to suppress evidence—When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;

'(7) Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury; and

'(8) Discovery.

'Sec. 2. When a criminal case is set for such pre-trial hearing, the defendant shall have five days after notice of setting in which to file his motions, pleadings and exceptions; and any such preliminary matters not raised and filed within the time allowed will not thereafter be allowed to be raised or filed, except by permission of the court for good cause shown. The record made at such pre-trial hearing, the rulings of the court and the exceptions and objections thereto shall become a part of the trial record of the case upon its merits.

'Sec. 3. The notice mentioned in Sec. 2 above shall be sufficient if given in any one of the following ways:

'(1) By announcement made by

the court in open court in the presence of the defendant or his attorney of record;

'(2) By personal service upon the defendant or his attorney of record; or

'(3) By registered or certified mail to either the defendant or his attorney of record deposited by the clerk in the mail at least ten days prior to the date set for hearing. If the defendant has no attorney of record such notice shall be addressed to defendant at the address shown on his bond, if the bond shows such an address, and if not, it may be addressed to one of the sureties on his bond. If the envelope containing the notice is properly addressed, stamped and mailed, the State will not be required to show that it was received.'"

The amendment was read.

Question—Shall the amendment by Senator Hardeman to S. B. No. 145 be adopted?

Welcome Resolutions

S. R. No. 464—By Senator Jordan: Extending welcome to Eighth Grade Class of Sacred Heart School of Houston.

S. R. No. 465—By Senator Bernal: Extending welcome to students of H. K. Williams School of Edgewood I. S. D. of San Antonio.

S. R. No. 466—By Senator Watson: Extending welcome to Gene Parson and Floyd Jensen.

S. R. No. 467—By Senator Watson: Extending welcome to teachers and students of Forest Glade School of Mexia.

S. R. No. 468—By Senator Herring: Extending welcome to teachers and students of Blanco Independent School District.

S. R. No. 469—By Senator Brooks: Extending welcome and privileges of the floor for the day to Mrs. J. O. Maddox.

S. R. No. 471—By Senator Word: Extending welcome to Boy Scout Troop No. 47 of First Methodist Church of Comanche.

S. R. No. 472—By Senator Watson:

Extending welcome and privileges of the floor for the day to Paul Boyd.

S. R. No. 473—By Senator Herring: Extending welcome to teacher and students of Pecan Springs Elementary School of Austin.

S. R. No. 474—By Senator Herring: Extending welcome to teacher and students of Senior Class of Taylor High School.

S. R. No. 476—By Senator Parkhouse: Extending welcome and privileges of the floor for the day to Mrs. Sibyl Hamilton.

S. R. No. 477—By Senator Watson: Extending welcome to Joe Alexander.

S. R. No. 478—By Senator Harrington: Extending welcome and privileges of the floor for the day to Roy Wingate.

S. R. No. 479—By Senators Jordan and Brooks: Extending welcome to members and auxiliary members of Harris County AFL-CIO.

S. R. No. 480—By Senator Bernal: Extending welcome to teacher, mothers and students of Holy Spirit Catholic School of San Antonio.

Adjournment

Senator Creighton moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion prevailed by the following vote:

Yeas—15

Aikin	Hightower
Bernal	Moore
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Wade
Harrington	Word
Herring	

Nays—13

Bates	Mauzy
Berry	Reagan
Blanchard	Schwartz
Grover	Strong
Hardeman	Watson
Jordan	Wilson
Kennard	

Absent**Hazlewood****Absent—Excused****Cole**

Accordingly, the Senate at 4:58 o'clock p.m. stood adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor****April 25, 1967**

S. B. No. 148

S. B. No. 385

S. B. No. 438

S. C. R. No. 51

S. C. R. No. 52

FIFTY-SECOND DAY**(Wednesday, April 26, 1967)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yester-

day was dispensed with and the Journal was approved.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 39, Ratifying proposed amendment to Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

S. C. R. No. 53, Extending congratulations to Edward Stephen Hutcherson.

S. C. R. No. 55, Extending congratulations to Kenneth Don Gray on his outstanding achievement in professional football.

Reports of Standing Committees

Senator Hightower submitted the following reports:

Austin, Texas,
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 617, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1034, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,
April 26, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 645, have had the same under